EXHIBIT 1
DATE 3/10/11
SB 126

80-7-106. License required -- application and payment of license fee -- exemption.

(1) A firm, nursery, or plant dealer licensed as a nursery in another state is not required to obtain a license in Montana if the state in which the firm, nursery or plant dealer is licensed grants nonresident licenses to residents of Montana on the same basis.

(1) (2) A firm, nursery, or plant dealer engaging in the business of selling or distributing plants or nursery stock in this state shall obtain a license from the department. If the firm, nursery, or plant dealer sells or distributes nursery stock at more than one location, the firm, nursery, or plant dealer shall obtain:
(a) one license if its combined annual gross sales are less than $10,000; and
(b) a license for each location if its gross annual sales are $10,000 $7,000 or more at each location.

(2) (3)The license must be in the name of the firm, nursery, or plant dealer seeking the license and expires on the anniversary date established by rule by the board of review established in

30-16-302. The applicant shall provide information that the department finds necessary to carry out the provisions and purposes of this chapter and in the form determined by rule by the board of review established in 30-16-302.
(3) A small plant vendor must be licensed but is exempt from the license fee requirements of this section.
(4) (a) A firm, nursery, or plant dealer that earns less than $1,000 $7,000 in gross annual sales of nursery stock must be licensed but is exempt from licensing fees.
(b) A firm, nursery, or plant dealer that earns $1,000 $7,000 but less than $3,000 $10,000 in gross annual sales of nursery stock shall pay a license fee of $50.
(c) A firm, nursery, or plant dealer that earns $3,000 $10,000 but less than $10,000 $100,000 in gross annual sales of nursery stock shall pay a license fee of $125.
(d) A firm, nursery, or plant dealer that earns $10,000 $100,000 or more in gross annual sales of nursery stock shall pay a license fee of $160 $400.
(5) The department may seek verification from the department of revenue as to whether the income thresholds established in this section have been met.
(6) A new applicant or a firm, nursery, or plant dealer failing to renew a license on or before the annual anniversary date provided for in subsection (2) shall pay an additional nonrefundable late fee of $25 for each license.
(7) The fees required by the provisions of this section may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.

80-7-108. Nursery stock inspection -- fees. (1) The department may enter the premises of a licensed firm, nursery, or plant dealer or of a small plant vendor during regular business hours for the purpose of inspecting nursery stock or other materials for possible plant pests or for determining licensure compliance. An inspection fee may not be assessed if the department requests the inspection and .(2) A firm, nursery, plant dealer, or small plant vendor may request the inspection of nursery stock, plants, or other materials by giving the department 5 days' notice prior to the time when the nursery stock, plants, or other materials are ready for inspection. A firm, nursery, plant dealer, or small plant vendor requesting an inspection (or having a mandated inspection) shall pay a fee as established by department rule. The fee ($70 per hour) must cover the actual costs of inspection, surveys, and other services required to issue the plant inspection certificate.
(3) The department may issue a plant inspection certificate based on the results of a nursery stock or other plant inspection or inspection survey.

(4) The department shall, pursuant to rules promulgated by the department, determine and post the schedule and need for inspections (including mandatory inspections) based on complaints received and the department's assessment of risk to the state from potential plant pests.